CANUCK LAW
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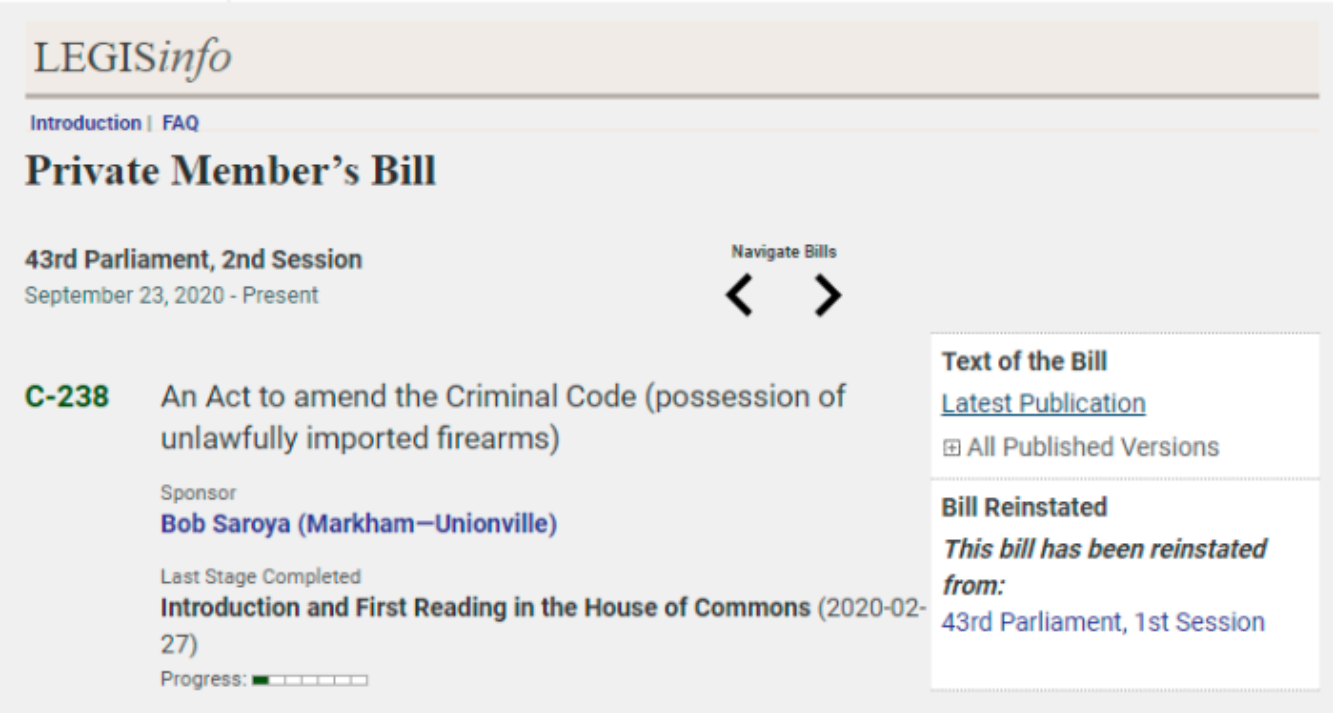
FEBRUARY 19, 2021 BY RONNIE

Bill C-238: Increase To Sentences For Gun Possession Obtained During Crime (Defeated)



This was meant to be covered a while back, but was missed. A Private Member's Bill, C-238, was defeated. It would have increased the mandatory minimum sentences for guns obtained during the commission of an offence.

1. Gun Rights Are Essential, Need Protecting

The freedoms of a society can be gauged by the laws and attitudes they have towards firearms. Governments, and other groups can push around an unarmed population much easier than those who can defend themselves. It's not conspiratorial to wonder about those pushing for gun control. In fact, healthy skepticism is needed for a society to function.

2. Fabianist Approach On Gun Rights

Order In Council 2020-0298, Banning 1,500 Gun Types
Bill C-71: Backdoor Long Gun Registry
Bill C-21: Red Flag Law To Seize Guns In Canada
Bill C-22: Reducing Penalties For Gun Crimes

3. Guns Obtained In Crime, Gun Trafficking

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Act current to 2021-02-15 and last amended on 2020-07-01. Previous Versions
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PART III
Firearms and Other Weapons (continued)
Possession Offences (continued)
Possession of weapon obtained by commission of offence
96 (1) Subject to subsection (3), every person commits an offence who possesses a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition that the person knows was obtained by the commission in Canada of an offence or by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence.

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Marginal note: Punishment

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(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a ***minimum punishment of imprisonment for a term of one year***; or

(b) is guilty of an offence punishable on summary conviction.

Importing or exporting knowing it is unauthorized

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103 (1) Every person commits an offence who imports or exports

(a) a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition, or

(b) any component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm,

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knowing that the person is not authorized to do so under the Firearms Act or any other Act of Parliament or any regulations made under an Act of Parliament.

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Punishment — other cases

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(2.1) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and to a ***minimum punishment of imprisonment for a term of one year***.

Both Section 96 (weapons obtained in commission of a crime) and Section 103 (illegal import/export), would have been changed so that the mandatory minimum of 1 year in prison would be replaced by:

(a) in the case of a first offence, three years; and
(b) in the case of a second or subsequent offence, five years.

This was a relatively modest change to the Criminal Code of Canada. It was voted down, largely because of the Liberals. Credit where credit is due: this was a tiny, but worthwhile Bill.

CANADA, CANADIAN BILLS, CRIMINAL, GUN RIGHTS, DISARMAMENT